

DECISION NOTICE

LIVINGSTON .22 RIM FIRE RANGE RELOCATION

PROPOSAL

Montana Fish, Wildlife and Parks (FWP) proposes to grant funds to reclaim and relocate the .22 rim fire portion of the Park County Rod and Gun Club shooting range (Preferred Alternative B, as listed in the Draft EA). The current .22 range creates unsafe shooting situations for users. Use of this grant would provide for the reclamation of the old .22 range, including removing old shooting benches, signs, target frames and concrete, and leveling dirt shooting berms. Development of the new range in an unused location within the Club's leased property boundaries would include extending a gravel road and parking area, erecting signs, forming new dirt berms, target frames, concrete walkway, and shooting benches. Shooting range developments grants are authorized under Administrative Rule 12.10.101-106.

AGENCY PROCESS

FWP prepared a Draft Environmental Assessment (EA), which was available for public comment from June 5, 2002 to June 21. Notices were published in the Park County Weekly, the Livingston Enterprise, and on the FWP web page. The Draft EA was also distributed to neighbors of the shooting range.

PUBLIC COMMENT AND RESPONSE

Two people contacted FWP (by e-mail) with the following comments.

- COMMENT: Dispute that more acres are fenced (used) than are leased, violation of lease agreement, rent past-due. RESPONSE: FWP does not have the authority to resolve these issues between the lessor (property owner) and the lessee (Club). The Lease Agreement was entered in 1981 and is in effect for 99 years. FWP has not been presented with evidence that there has been a violation of the lease agreement
- COMMENT: Shooting at livestock grazed on this land. RESPONSE: The Lease Agreement between the landowner and the Club provides for land use by the Club with livestock grazing as follows: "8. It is expressly understood and agreed that the First Party [lessor] shall have the right to graze livestock upon the premises during such times as the premises are not in use by Club members." During the history of the gun range no accidental shooting of livestock has occurred and relocating the .22 range is not expected to increase this risk. The project includes installation of dirt berms and wooden frame shooting targets; in addition, the new .22 range is backed with a natural ridge for an overall backstop.
- COMMENT: Amount of lead deposited in the berms to be leveled is unacceptable. RESPONSE: The Environmental Degradation Assessment conducted on the property in April 2001 included the .22 range and higher lead density areas, and indicated that lead has not migrated through the soil more than 6 inches; rainfall and snowmelt have not carried lead contamination to adjacent lands; and groundwater has not been impacted by lead in the immediate vicinity of the range. FWP does not consider the proposed action a high-impact action due to the low levels of lead in the .22 range area, low annual precipitation, and

continued long-term use of the land for shooting purposes (99-year lease). The Club has established a special reclamation fund to conduct reclamation in the future.

- COMMENT: Noise is a factor when someone shoots at 5:53 a.m. RESPONSE: This EA addresses the physical and human environmental impacts of moving the .22 range to a different area within the shooting range. The overall noise levels at the range are not expected to increase due to the relocating the .22 range (Draft Environmental Assessment Livingston .22 Rim Fire Range Relocation; page 10, #6a). Club policy for many years has allowed shooting during daylight hours. At the request of FWP, the Club discussed changing the shooting hours at length during their October 21, 2002 meeting. The Club decided to continue the existing daylight hours, but encouraged members to use common sense and courtesy when choosing shooting times. In addition, the Club will publish an article in their newsletter promoting the same.

FWP considers the established shooting hours reasonable given the following reasons: rural setting, historical use, infrequent early use, lack of complaints by neighbors, low noise produced by .22 rim fire guns specifically, the lack of change in overall noise levels at the Club range by the proposed project, and efforts by the Club to encourage members to shoot at reasonable hours.

DECISION

Based on the analysis provided by the EA, I have determined that the review process satisfactorily complied with the Montana Environmental Policy Act (MEPA). After review of the EA and careful consideration of the above comments, the proposed action (Preferred Alternative B) will not create any significant impacts to the natural or human environment; therefore, an Environmental Impact Statement will not be prepared.

It is my decision to implement the proposed action (Preferred Alternative B) and grant funds authorized under Administrative Rule 12.10.101-106 to the Park County Rod and Gun Club for use in reclaiming the old .22 rim fire range and developing a new .22 range on the property leased by the Club. By notice of this decision, the Draft EA is hereby made the Final EA without modifications or additions.

Questions regarding this decision notice may be directed to me at (406) 444-1267, or at kcunningham@state.mt.us.

The Final EA and decision notice may be viewed or obtained on request from Montana Fish, Wildlife & Parks, 1420 East 6th Avenue, PO Box 200701, Helena, MT 59620-0701, or from the FWP web page at <http://fwp.state.mt.us/notices/default.asp>.



Kurt Cunningham
Education Bureau Chief